

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GARY FRIEDRICH ENTERPRISES, LLC, ET AL.,

Plaintiffs,

-against-

MARVEL ENTERPRISES, ET AL.,

Defendants.

08-CV-01533 (BSJ)(JCF)

**NOTICE OF MOTION TO
TRANSFER ACTION
PURSUANT 28 U.S.C. § 1404**

PLEASE TAKE NOTICE that upon the attached Affirmation of Leonard F. Lesser, Esq., the exhibits attached thereto, and the points and authorities set forth in the accompanying Memorandum of Law, plaintiffs Gary Friedrich Enterprises, LLC (“GFE”) and Gary Friedrich (“Friedrich,” collectively “Plaintiffs”), by and through their undersigned counsel, shall move this Court on May 28, 2008, or any such other date and time set by the Court, for an Order transferring this action to the United States District Court for the Eastern District of Missouri pursuant to 28 U.S.C. §1404(a) because the convenience of the parties and witnesses weighs in favor of this matter being transferred to the Eastern District of Missouri given the onerous burden to Plaintiffs in proceeding to litigate this action in this District, and in consideration of the material events, witnesses and convenience of each of the parties to the current action. Plaintiffs also respectfully seek such other and further relief as this Court deems just and proper under the circumstances.

PLEASE TAKE FURTHER NOTICE that pursuant to Rule 6.1(b) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, answering papers, if any, shall be served within ten (10) business days after service

of this Notice of Motion along with the supporting papers, and reply papers, if any, shall be served within five (5) business days after service of the answering papers, if any, unless otherwise stipulated by the parties and endorsed by the Court.

Dated: New York, New York
May 2, 2008

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